

REMARKS

Claims 1, 3-14, 17-18 and 20-24 remain in the application for further prosecution. Claims 1, 9 and 18 have been amended.

Claim Rejections - 35 U.S.C. § 102 and 103

Claims 1-3, 5 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2004/0137979 ("Rose").

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2004/0137979 ("Rose").

Claims 6-7, 9-13, 17-18 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2004/0137979 ("Rose") in view of U.S. Publication No. 2004/0053687 ("Nordman").

Personal Interview and Interview Summary

The Applicant notes with appreciation the interview conducted with Examiners Harper and Hotaling on March 12, 2008. Applicant reviewed the features of the claims in view of the cited Berman and Rose references.

The Applicant agrees with the Interview Summary Sheet provided at the end of the interview reflecting the discussion with the Examiners regarding the proposed claim amendments and the Nordman and Rose references. The Examiners indicated that further language relating to the physical elements displaying the outcome would assist in distinguishing the two references.

Applicant has amended claims 1, 9 and 18 to require that the physical elements bear a viewable game outcome and that when the indicia or game outcome is viewable regardless of whether the physical element is in the extended or retracted position. As explained in the interview, neither the octopus arms of Nordman nor the cuckoo clock example in Rose disclose these features. Nordman's octopus arms are not moveable between extended and retracted positions along a path perpendicular to a panel as shown in Figs. 10 and 11. Further the octopus arms do not bear any indicia or game outcomes. The cuckoo bird figurine in Rose is not viewable regardless of whether the physical element is in the extended or retracted position since the bird figurine is hidden behind doors when it is in the retracted position.

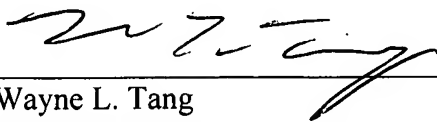
Applicant respectfully submits that amended claims 1, 9 and 18 and their dependents are now allowable over Nordman and Rose, either separately or in combination.

Conclusion

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicants' undersigned attorney at the number shown.

Respectfully submitted,

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